

### **REMARKS**

In view of the above amendments, Applicants believe the pending application is in condition for allowance.

Claims 1-19 are now present in this application. Claims 1 and 12 are independent. Claims 20 and 21 have been canceled. Reconsideration of this application, as amended, is respectfully requested.

#### **Priority Under 35 U.S.C. § 119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

#### **Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed July 1, 2004, and for providing Applicants with an initialed copy of the PTO-1449 or PTO-SB08 form filed therewith.

#### **Drawings**

Applicants thank the Examiner for indicating that the drawings are accepted.

#### **Claim Objections**

The Examiner has objected to claims 20 and 21 because they merely refer to the specification and the drawing figures, and therefore cannot be considered on the merits. In order to overcome this objection, Applicants have canceled claims 20 and 21. Reconsideration and withdrawal of this objection are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102 and § 103**

Claims 1, 2, 4-12, 15, 16, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by James et al. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over James et al. Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over James et al. in view of Cochim et al. Further, claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over James et al. in view of Hiron et al. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the instant application, Applicants are herewith submitting a Declaration by the inventors which assert that the subject matter of the instant application was reduced to practice as early as November 2000, prior to the January 30, 2001 filing date of the James et al. reference. Thus, James et al. is not available as a reference to reject the claims in the instant application. Thus, the rejections under 35 U.S.C. § 102 and § 103 are rendered moot. Accordingly, reconsideration and withdrawal of each of the rejections are respectfully requested.

#### **Allowable Subject Matter**

Applicants note that no rejection of claim 17 has been put forth. Therefore, it is believed that claim 17 is allowable. An indication thereof in the next Office Action is respectfully requested.

If, however, claim 17 is not allowable, and a new rejection is made against claim 17, Applicants submit that such a rejection cannot properly be made final, and therefore request that any such rejection be made non-final.

#### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Application No. 10/814,178  
Amendment dated March 31, 2008  
Reply to Office Action of October 3, 2007

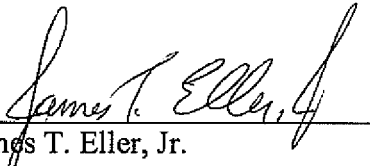
Docket No.: 0641-0261PUS1

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 31, 2008

Respectfully submitted,

By   
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